

**ORDINANCE NO. BL2019-1474**

**An Ordinance amending Section 13.08.040 of the Metropolitan Code pertaining to the sale of various items by vendors to occupants of vehicles within the public right-of-way.**

WHEREAS, vendors create a safety hazard for themselves and the motoring public when entering upon public streets, distributing items to vehicle occupants, or receiving money or other items from vehicle occupants; and

WHEREAS, the distraction of motorists occasioned by vendors impedes the safe and orderly flow of traffic, causes vehicles to stop unexpectedly, causes vehicles to linger at traffic control devices, and causes motorists to fail to attend to driving; and

WHEREAS, distracted drivers pose a significant risk of physical injury to motorists and pedestrians; and

WHEREAS, public health, safety and welfare requires the imposition of reasonable manner and place restrictions on vending and the storage and exhibition of goods and other materials in the public right-of-way, while respecting the constitutional right of free speech for all citizens; and

WHEREAS, it is proper for the Metropolitan Government to regulate activities which may create unsafe conditions on public roads.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 13.08.040 of the Metropolitan Code of Laws is hereby amended by deleting subsection A in its entirety and substituting in lieu thereof the following:

- A. No person shall stop, stand or park any wagon, pushcart, automobile, truck or other vehicle, or erect any temporary stands, signs or otherwise, upon or within any public property of the metropolitan government for the purpose of selling or offering for sale any goods, food, wares, merchandise or products of any kind, nor shall any person sell or offer for sale, upon or within any public property of the metropolitan government, any goods, food, wares, merchandise or products of any kind. No person shall hand any goods, food, wares, merchandise or products of any kind to the occupant of any motor vehicle that is on a public street or roadway, nor shall any action be taken that is intended or reasonably calculated to cause the vehicle occupant to hand anything to the person selling or distributing the materials. The prohibitions contained in this subsection shall not affect or apply to any agreement with, or the written approval of, the respective department, board, agency, officer or other person having control or custody of that particular property.

Section 2. That Section 13.08.040 of the Metropolitan Code is hereby amended by deleting the provisions of subsection B.1.b. and substituting with the following new subsection B.1.b.:

- b. Vendors exclusively engaged in the sale of newspapers, magazines, periodicals or other such written items provided all of the following requirements have been met:
  - i. That the requirements for clearance at intersections set forth at Section 13.12.190 are satisfied.

- ii. No cart, wagon, or any other transportation device or vehicle is used to sell such written materials in the public right-of-way.
- iii. Such materials shall not be handed to the occupant of any motor vehicle that is on a public street or roadway, nor shall any action be taken that is intended or reasonably calculated to cause the vehicle occupant to hand anything to the person selling or distributing the materials.

Section 2. That this Ordinance shall take effect from and after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

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Steve Glover  
Member of Council